

01-Sep-11

THIS ITEM IS PART OF A LEGAL STATEMENT RECONSTRUCTION  
GROUP ID G31Aug11-1195  
Sequence number Posting date

31Aug11-1195

INFORMATION REDACTED  
NOT RESPONSIVE TO SUBPOENA



JPMorgan Chase Bank, N.A.  
P O Box 260160  
Baton Rouge, LA 70826-0160

August 10, 2008 through September 16, 2008  
Primary Account: [REDACTED] 72665

## CUSTOMER SERVICE INFORMATION

Web site: Chase.com  
Service Center: 1-800-935-9935  
Hearing Impaired: 1-800-242-7383  
Para Espanol: 1-877-312-4273  
International Calls: 1-713-262-1679

00001937 DFI 802 212 26108 - NNNYN P 1 000000000 31 0000  
MECHEL LANGNER  
OR BARBARA P LANGNER  
406 AVENUE I  
BROOKLYN NY 11230-2620

00001937 DFI 802 212 26108 - NNNYN P 1 000000000 31 0000

Introducing Chase Exclusives<sup>SM</sup>

BETTER RATES - MORE REWARDS - BIGGER DISCOUNTS

Learn about Special Benefits for Being a Chase Checking Customer  
Visit Chase.com/Exclusives or Talk to a Banker Today!

Restrictions and limitations apply

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## CONSOLIDATED BALANCE SUMMARY

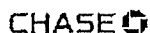
## ASSETS

	ACCOUNT	BEGINNING BALANCE THIS PERIOD	ENDING BALANCE THIS PERIOD
Checking & Savings			
Chase Better Banking Checking	[REDACTED] 72665	\$32,650.94	\$13,375.90
Chase Money Market Savings	[REDACTED] 2601	29,799.95	16,169.26

01-Sep-11

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September 17, 2008 through October 16, 2009  
Primary Account: [REDACTED] 2665

### CHASE BETTER BANKING CHECKING

MECHEL LANGNER  
OR BARBARA P LANGNER

Account Number: [REDACTED] 2065

### CHECKING SUMMARY

	AMOUNT
Beginning Balance	\$13,375.90
Deposits and Additions	15,358.00
Checks Paid	- 9,600.00
Other Withdrawals, Fees & Charges	- 14,284.53
Ending Balance	\$5,850.37

Good News. Your monthly service fee was waived because you kept at least \$1,500 in your Chase Better Banking Checking account or a combined average balance of \$5,000 in qualifying checking, savings, credit, securities and mortgage loan accounts.

This message confirms that you have overdraft protection on your checking account.

### CHECKS PAID

CHECK NUMBER	DATE PAID	AMOUNT
174 ^	09/26	\$3,000.00
175 ^	09/26	3,000.00
177 * ^	10/09	3,600.00
Total Checks Paid		\$9,600.00

If you see a check description in the Transaction Detail section, it means your check has already been converted for electronic payment. Because of this, we're not able to return the check to you or show you an image on Chase.com.

\* All of your recent checks may not be on this statement, either because they haven't cleared yet or they were listed on one of your previous statements.

^ An image of this check may be available for you to view on Chase.com.

### TRANSACTION DETAIL

DATE	DESCRIPTION	AMOUNT	BALANCE
	Beginning Balance		\$13,375.90
09/18	Amazon Express Web Remit 080918051657452 Web ID: [REDACTED] 2111	- 3,500.00	9,875.90
09/24	Online Transfer From Mima XXXXXXX2501 Transaction# 161008074	6,000.00	15,875.90
09/24	Chase Epay [REDACTED] 0211 Web ID: [REDACTED] 9224	- 724.53	15,151.37
09/26	Check # 175	- 3,000.00	12,151.37
09/26	Check # 174	- 3,000.00	9,151.37
09/26	Online Transfer To Sav XXXXXXX8201 Transaction# 161361977	- 5.00	9,146.37
09/26	Online Transfer To Sav XXXXXXX9001 Transaction# 161382054	- 5.00	9,141.37

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September 17, 2008 through October 16, 2008  
Primary Account: 2665

## TRANSACTION DETAIL (continued)

DATE	DESCRIPTION	AMOUNT	BALANCE
09/26	Online Transfer To Sav Xxxxxxx0301 Transaction#: 161382016	- 5.00	9,136.37
09/26	Online Transfer To Sav Xxxxxxx1101 Transaction#: 161382029	- 5.00	9,131.37
09/29	Deposit	275.00	9,406.37
09/29	Deposit	84.00	9,490.37
09/29	Online Transfer From Chk Xxxxx0204 Transaction#: 161831310	10,000.00	19,490.37
09/29	American Express Web Remit 12275 Web ID 2111	- 7,000.00	12,490.37
10/06	Wire Online Foreign Fee	- 40.00	12,450.37
10/06	Online Wire Transfer A/C: The First Int'l Bank of Israel Aviv Israel 65251-Ref/Bulk/Branch No. 185 Tr 0280Es	- 3,000.00	9,450.37
10/09	Check # 177	- 3,600.00	5,850.37
	Ending Balance		\$5,850.37



## CHASE MONEY MARKET SAVINGS

MECHEL LANGNER  
OR BARBARA P LANGNER

Account Number: 2601

## SAVINGS SUMMARY

	AMOUNT
Beginning Balance	\$16,189.26
Deposits and Additions	10,002.63
Other Withdrawals, Fees & Charges	- 26,000.00
Ending Balance	\$171.89
Annual Percentage Yield Earned This Period	0.30%
Interest Earned This Period	\$2.63
Interest Paid Year-to-Date	\$18.13

The monthly service fee for this account was waived as an added feature of Chase Better Banking Checking account.

## TRANSACTION DETAIL

DATE	DESCRIPTION	AMOUNT	BALANCE
	Beginning Balance		\$16,189.26
09/24	Online Transfer To Chk Xxxxxxx2665 Transaction#: 161009874	- 6,000.00	10,189.26
09/25	Online Transfer To Chk Xxxxxxx2965 Transaction#: 161261310	- 5,000.00	5,189.26
09/29	Online Transfer From Chk Xxxxx0204 Transaction#: 161829618	10,000.00	15,189.26
10/06	Online Transfer To Chk Xxxxxxx2965 Transaction#: 163907757	- 15,000.00	189.26
10/16	Interest Payment	2.63	171.89
	Ending Balance		\$171.89

You earned a higher interest rate on your Chase Money Market Savings account during this statement period because you had a qualifying Chase Better Banking Checking account.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

-----X

PROCOM SUPPLY, LLC,

Index No. 1:13-CV-2665

Plaintiff(s),

-against-

**AFFIDAVIT OF SERVICE**

MECHEL LANGNER, ET AL.,

Defendant(s).

-----X

STATE OF NEW YORK )

:

COUNTY OF NEW YORK )

RANDY BARONA, being duly sworn, deposes and says that he is employed by KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 23rd day of December, 2013, at approximately 8:39 p.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Mechel Langner at 406 Avenue I, Brooklyn, New York 11230. I rang the bell and knocked but did not receive an answer.

That on the 26th day of December, 2013, at approximately 8:37 p.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Mechel Langner at 406 Avenue I, Brooklyn, New York 11230. I rang the bell and knocked but did not receive an answer.

That on the 27th day of December, 2013, at approximately 3:26 p.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Mechel Langner at 406 Avenue I, Brooklyn, New York 11230. I rang the bell and knocked but did not receive an answer.

That on the 2nd day of January, 2014, at approximately 8:33 a.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Mechel Langner at 406 Avenue I, Brooklyn, New York 11230. I rang the bell and knocked but did not receive an answer.

That on the 2nd day of January, 2014, at approximately 8:33 a.m., deponent served a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Mechel Langner at 406 Avenue I, Brooklyn, New York 11230 by personally affixing the same in a conspicuous place on the door to that residence.

That on the 6th day of January, 2014, in accordance with the Federal Rules of Civil Procedure, Rule 4(e)(1), and the New York State Civil Practice Law and Rules (CPLR), Section 308, copies of which are annexed, deponent served another copy of the foregoing upon the defendant by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney, or concerns a legal matter, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

**Mechel Langner**  
**406 Avenue I**  
**Brooklyn, New York 11230**

Sworn to before me this  
6th day of January, 2014

  
**MICHAEL J. KEATING**

**NOTARY PUBLIC, STATE OF NEW YORK**  
Reg. No. 01-KE-4851559  
Qualified in New York County  
Commission expires February 3, 2018

  
RANDY BARONA #1000417



## VIL PROCEDURE

## COMMENCING AN

- (D) inform the defendant, using text prescribed in Form 5, of the consequences of waiving and not waiving service;
  - (E) state the date when the request is sent;
  - (F) give the defendant a reasonable time of at least 30 days after the request was sent—or at least 60 days if sent to the defendant outside any judicial district of the United States—to return the waiver; and
  - (G) be sent by first-class mail or other reliable means.
- (2) **Failure to Waive.** If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:
- (A) the expenses later incurred in making service; and
  - (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.
- (3) **Time to Answer After a Waiver.** A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent—or until 90 days after it was sent to the defendant outside any judicial district of the United States.
- (4) **Results of Filing a Waiver.** When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.
- (5) **Jurisdiction and Venue Not Waived.** Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.
- (e) **Serving an Individual Within a Judicial District of the United States.** Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:
- (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
  - (2) doing any of the following:
    - (A) delivering a copy of the summons and of the complaint to the individual personally;
    - (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

- (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.
- (f) **Serving an Individual in a Foreign Country.** Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served at a place not within any judicial district of the United States:
- (1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;
  - (2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:
    - (A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;
    - (B) as the foreign authority directs in response to a letter rogatory or letter of request; or
    - (C) unless prohibited by the foreign country's law, by:
      - (i) delivering a copy of the summons and of the complaint to the individual personally; or
      - (ii) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or
  - (3) by other means not prohibited by international agreement, as the court orders.
- (g) **Serving a Minor or an Incompetent Person.** A minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made. A minor or an incompetent person who is not within any judicial district of the United States must be served in the manner prescribed by Rule 4(f)(2)(A), (f)(2)(B), or (f)(3).
- (h) **Serving a Corporation, Partnership, or Association.** Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:
- (1) in a judicial district of the United States:
    - (A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

**§ 308. Personal service upon a natural person.**

Personal service upon a natural person shall be made by any of the following methods:

1. by delivering the summons within the state to the person to be served; or
2. by delivering the summons within the state to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served and by either mailing the summons to the person to be served at his or her last known residence or by mailing the summons by first class mail to the person to be served at his or her actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, such delivery and mailing to be effected within twenty days of each other; proof of such service shall be filed with the clerk of the court designated in the summons within twenty days of either such delivery or mailing, whichever is effected later; service shall be complete ten days after such filing; proof of service shall identify such person of suitable age and discretion and state the date, time and place of service, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law; or

3. by delivering the summons within the state to the agent for service of the person to be served as designated under rule 318, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;

4. where service under paragraphs one and two cannot be made with due diligence, by affixing the summons to the door of either the actual place of business, dwelling place or usual place of abode within the state of the person to be served and by either mailing the summons to such person at his or her last known residence or by mailing the summons by first class mail to the person to be served at his or her actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, such affixing and mailing to be effected within twenty days of each other; proof of such service shall be filed with the clerk of the court designated in the summons within twenty days of either such affixing or mailing, whichever is effected later; service shall be complete ten days after such filing, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;

01-Sep-11

THIS ITEM IS PART OF A LEGAL STATEMENT RECONSTRUCTION  
GROUP ID G31Aug11-1172  
Sequence number Posting date

31Aug11-1172



JPMorgan Chase Bank, N.A.  
P O Box 659754  
San Antonio, TX 78265-9754

August 17, 2010 through August 24, 2010  
Account Number: 000151092369765

## CUSTOMER SERVICE INFORMATION

Web site: Chase.com  
Service Center: 1-800-935-9935  
Hearing Impaired: 1-800-242-7383  
Para Espanol: 1-877-312-4273  
International Calls: 1-713-262-1679

00005312 DRE 002 142 23710 - NNNNN T 3 000000000 31 0000  
AHARON MANN  
4515 12TH AVE APT D2  
BROOKLYN NY 11219-2057



## CHECKING SUMMARY Chase Better Banking Checking

	AMOUNT
Beginning Balance	-\$48.90
Deposits and Additions	58.85
Fees and Other Withdrawals	- 9.95
Ending Balance	\$0.00

This message confirms that you have overdraft protection on your checking account.

## TRANSACTION DETAIL

DATE	DESCRIPTION	AMOUNT	BALANCE
	Beginning Balance		-\$48.90
08/23	Financial Management Software: Monthly Service Fee	- 9.95	-58.85
08/24	Overdraft Write-Off Please Contact Bank	58.85	0.00
	Ending Balance		\$0.00

## OVERDRAFT AND RETURNED ITEM FEE SUMMARY

	Total for This Period	Total Year-to-date
Total Overdraft Fees *	\$0.00	\$148.00
Total Returned Item Fees	\$0.00	\$0.00

\* Total Overdraft Fees includes Insufficient Funds Fees, and Extended Overdraft Fees



Case: 1:13-cv-02665-JG Doc #: 8 Filed: 01/09/14 1 of 4. PageID #: 77

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

-----X  
PROCOM SUPPLY, LLC,

Index No. 1:13-CV-2665

Plaintiff(s),

-against-

**AFFIDAVIT OF SERVICE**

MECHEL LANGNER, ET AL.,

Defendant(s).

-----X  
STATE OF NEW YORK            )  
  :  
COUNTY OF NEW YORK        )

RANDY BARONA, being duly sworn, deposes and says that he is employed by KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 23rd day of December, 2013, at approximately 9:00 p.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Aharon Mann at 45-15 12th Avenue, Apartment D-2, Brooklyn, New York 11219. I rang the bell and knocked but did not receive an answer.

That on the 26th day of December, 2013, at approximately 8:53 p.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Aharon Mann at 45-15 12th Avenue, Apartment D-2, Brooklyn, New York 11219. I rang the bell and knocked but did not receive an answer.

That on the 27th day of December, 2013, at approximately 4:07 p.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Aharon Mann at 45-15 12th Avenue, Apartment D-2, Brooklyn, New York 11219. I rang the bell and knocked but did not receive an answer.


That on the 2nd day of January, 2014, at approximately 8:56 a.m., deponent attempted to serve a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Aharon Mann at 45-15 12th Avenue, Apartment D-2, Brooklyn, New York 11219. I rang the bell and knocked but did not receive an answer.


That on the 2nd day of January, 2014, at approximately 8:56 a.m., deponent served a true copy of the Summons; Complaint with Jury Demand; Civil Cover Sheet [proposed] Consent to Exercise of Jurisdiction by a United States Magistrate Judge with Order of Reference; and Notice and Order (pursuant to Local Rule 73.1) upon Aharon Mann at 45-15 12th Avenue, Apartment D-2, Brooklyn, New York 11219 by personally affixing the same in a conspicuous place on the door to that residence.

That on the 6th day of January, 2014, in accordance with the Federal Rules of Civil Procedure, Rule 4(e)(1), and the New York State Civil Practice Law and Rules (CPLR), Section 308, copies of which are annexed, deponent served another copy of the foregoing upon the defendant by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney, or concerns a legal matter, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

Aharon Mann  
45-15 12th Avenue, Apartment D-2  
Brooklyn, New York 11219

Sworn to before me this  
6th day of January, 2014

  
RANDY BARONA #1000417

  
MICHAEL J. KEATING  
NOTARY PUBLIC, STATE OF NEW YORK  
Reg. No. 01-KE-4851559  
Qualified in New York County  
Commission expires February 3, 2018

## VIL PROCEDURE

## COMMENCING AN

- (D) inform the defendant, using text prescribed in Form 5, of the consequences of waiving and not waiving service;
  - (E) state the date when the request is sent;
  - (F) give the defendant a reasonable time of at least 30 days after the request was sent—or at least 60 days if sent to the defendant outside any judicial district of the United States—to return the waiver; and
  - (G) be sent by first-class mail or other reliable means.
- (2) **Failure to Waive.** If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:
- (A) the expenses later incurred in making service; and
  - (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.
- (3) **Time to Answer After a Waiver.** A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent—or until 90 days after it was sent to the defendant outside any judicial district of the United States.
- (4) **Results of Filing a Waiver.** When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.
- (5) **Jurisdiction and Venue Not Waived.** Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.
- (e) **Serving an Individual Within a Judicial District of the United States.** Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:
- (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
  - (2) doing any of the following:
    - (A) delivering a copy of the summons and of the complaint to the individual personally;
    - (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

Materials, see Title 28 U.S.C.A.

- (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.
- (f) **Serving an Individual in a Foreign Country.** Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served at a place not within any judicial district of the United States:
- (1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;
  - (2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:
    - (A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;
    - (B) as the foreign authority directs in response to a letter rogatory or letter of request; or
    - (C) unless prohibited by the foreign country's law, by:
      - (i) delivering a copy of the summons and of the complaint to the individual personally; or
      - (ii) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or
  - (3) by other means not prohibited by international agreement, as the court orders.
- (g) **Serving a Minor or an Incompetent Person.** A minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made. A minor or an incompetent person who is not within any judicial district of the United States must be served in the manner prescribed by Rule 4(f)(2)(A), (f)(2)(B), or (f)(3).
- (h) **Serving a Corporation, Partnership, or Association.** Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:
- (1) in a judicial district of the United States:
    - (A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

Complete Annotation Material

### § 308. Personal service upon a natural person.

Personal service upon a natural person shall be made by any of the following methods:

1. by delivering the summons within the state to the person to be served; or
2. by delivering the summons within the state to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served and by either mailing the summons to the person to be served at his or her last known residence or by mailing the summons by first class mail to the person to be served at his or her actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, such delivery and mailing to be effected within twenty days of each other; proof of such service shall be filed with the clerk of the court designated in the summons within twenty days of either such delivery or mailing, whichever is effected later; service shall be complete ten days after such filing; proof of service shall identify such person of suitable age and discretion and state the date, time and place of service, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law; or

3. by delivering the summons within the state to the agent for service of the person to be served as designated under rule 318, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;

4. where service under paragraphs one and two cannot be made with due diligence, by affixing the summons to the door of either the actual place of business, dwelling place or usual place of abode within the state of the person to be served and by either mailing the summons to such person at his or her last known residence or by mailing the summons by first class mail to the person to be served at his or her actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, such affixing and mailing to be effected within twenty days of each other; proof of such service shall be filed with the clerk of the court designated in the summons within twenty days of either such affixing or mailing, whichever is effected later; service shall be complete ten days after such filing, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;